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PATENT
13DV-344
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Official

Serial No. 09/477,422

703-305-*5408* 3599 4 PAGES

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FAX RECEIVED
JUL 12 2001
GROUP 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Jon C. Schaeffer

Serial No. 09/477,422

Filed: January 4, 2000

For: Nickel-Base Superalloy Having an
Optimized Platinum-Aluminide
Coating

Group Art Unit: 1775

Examiner: B Young

RESPONSE TO RESTRICTION REQUIREMENTAssistant Commissioner for Patents,
Washington, DC 20231

SIR:

In response to the Office Action dated as mailed March 12, 2001, having a one month period of response extending through and including July 12, 2001 by the enclosed Fee Transmittal with fee paid for a three month extension of time, requiring Applicant to elect for examination either claims 1-7, 14, 15, 19, 20-28, 34-43, 49-55, 60-69, 75-88, and 95-111, drawn to an article of the Examiner defined invention of Group I, or claims 8-13, 16-18, 29-32, 44-48, 56-59, 70-74, and 89-94, drawn to a method of the Examiner defined invention of Group II, pursuant to 35 U.S.C. § 121, Applicant provisionally elects the method claims of Group II with traverse, and with the clarifications noted in the following comments. It is respectfully submitted that Group I should additionally include claim 33.

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Reconsideration and withdrawal of the requirement for restriction is respectfully requested. MPEP § 806.05(f) allows for a requirement for restriction if either or both of the following can be shown: (1) that the process as claimed can be used to make other materially different product or (2) that the product as claimed can be made by another and materially different process. The Examiner suggested that the product of the invention of Group I could be made by a materially different process, "such as depositing a ceramic thermal barrier layer, applying an aluminide or platinum-aluminide coating on the alumina layer, and then casting the superalloy substrate in the mold to form the completed article, instead [of] directly applying the coating layers on the superalloy substrate by other processes (e.g., chemical vapor deposition, electron beam physical vapor deposition)."

It is respectfully submitted that the examiner suggested process would fail to produce the product as claimed. The melting temperature of superalloys is sufficiently high that the diffusion zone of the platinum aluminide would melt or dissolve into the molten metal, and the metal would infiltrate the ceramic thermal barrier coating (which is porous) to cause occlusions, such that on solidification the claimed product would not in fact be found. The undersigned fails to see why one skilled in the art would attempt such a process to form the claimed product.

It is further submitted that no undue burden will be placed on the Patent and Trademark Office by keeping and examining claims from the Group I invention with the claims of the Group II invention. Indeed, it is submitted that irrespective of whether the Group I invention or the Group II invention were elected, the Examiner would be remiss in his duties if he did not conduct a search of the subject matter of all claims in preparation for examination of either of the Examiner defined inventions of Group I or Group II. Such is necessary to meet the thoroughness requirement of 37 CFR §1.104(a).

Indeed, even where the application includes claims to distinct and independent inventions, such a search and examination as herein requested is specifically encouraged by the M.P.E.P. wherein, at §803, it is stated:

If the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

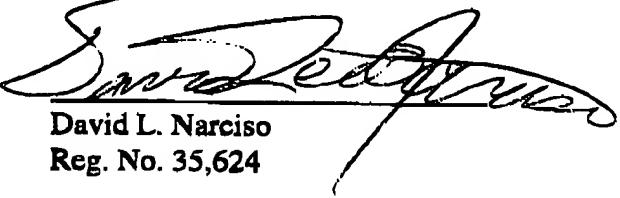
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Given the requirements of 37 CFR §1.104(a), it is respectfully submitted that the search and examination of all pending claims in this application does not constitute a more "serious burden" than the search and examination that would be required for either the Group I invention or the Group II invention.

In the event the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,


David L. Narciso
Reg. No. 35,624

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One Neumann Way - M/D H17
Cincinnati, OH 45215-6301
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July 12, 2001

ATTACH: TRANSMITTAL FEE

PTO/SB/17 (09-00)

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 890.00)

Complete If Known

Application Number	09/477,422
Filing Date	1-4-00
First Named Inventor	JON C. SCHAEFFER
Examiner Name	B. YOUNG
Group Art Unit	1775
Attorney Docket No.	890.00

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	07-0865
Deposit Account Name	General Electric Co.

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
105	130	205 65 Surcharge - late filing fee or oath	
127	60	227 25 Surcharge - late provisional filing fee or cover sheet	
138	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for ex parte reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	218 65 Extension for reply within first month	
116	380	216 195 Extension for reply within second month	
117	890	217 446 Extension for reply within third month	
118	1,380	218 695 Extension for reply within fourth month	
128	1,890	228 945 Extension for reply within fifth month	
119	310	219 155 Notice of Appeal	
120	310	220 155 Filing a brief in support of an appeal	
121	270	221 135 Request for oral hearing	
138	1,610	138 1,510 Petition to suspend a public use proceeding	
140	110	240 65 Petition to revive - inadvertent	
141	1,240	241 620 Petition to revive - unintentional	
142	1,240	242 620 Utility issue fee (or review)	
143	440	243 220 Design issue fee	
144	800	244 300 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Petitions related to provisional applications	
128	240	128 240 Submission of Information Disclosure Stmt	
581	40	681 40 Recording each patent assignment per property (times number of properties)	
146	710	246 358 Filing a submission after final rejection (37 CFR § 1.128(a))	
149	710	249 356 For each additional invention to be examined (37 CFR § 1.128(b))	
179	710	279 355 Request for Continued Examination (RCE)	
160	800	169 900 Request for expedited examination of a design application	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20*	=	
Independent Claims	- 3** =	x	
Multiple Dependent		=	

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim, if not paid
109	60	200 40 -- Reissue independent claims over original patent
110	18	210 9 -- Reissue claims in excess of 20 and over original patent

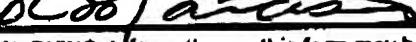
SUBTOTAL (2) (\$ 0)

*For number previously paid, if greater; For Reissues, see above

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 890.00)

Complete If Applicable

SUBMITTED BY	Complete If Applicable		
Name (Print/Type)	DAVID L. NARCISO	Registration No. (Attorney/Agent)	35,624 Telephone 513-243-8925
Signature		Date	July 12, 2001

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.